



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF O-A-A-

DATE: NOV. 14, 2019

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a petroleum engineer, seeks second preference immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). After a petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion, grant a national interest waiver if the petitioner demonstrates: (1) that the foreign national's proposed endeavor has both substantial merit and national importance; (2) that the foreign national is well positioned to advance the proposed endeavor; and (3) that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016).

The Director of the Texas Service Center denied the Petitioner's Form I-140, Immigrant Petitioner Alien Worker. We dismissed the Petitioner's appeal and denied his subsequent motion.¹ The matter is now before us on motion to reopen. For the reasons discussed below, we will dismiss the motion.

I. LAW

A motion to reopen is based on documentary evidence of new facts. The requirements of a motion to reopen are located at 8 C.F.R. § 103.5(a)(2). We may grant a motion that satisfies these requirements and demonstrates eligibility for the requested immigration benefit.

II. ANALYSIS

In our prior decisions, we found that the Petitioner had not sufficiently demonstrated that he is well positioned to advance his proposed endeavor and therefore he did not meet the second prong of the *Dhanasar* analytical framework.

With the motion, the Petitioner submits an article he published in *International Journal of Greenhouse Gas Control* (2016), a conference paper he presented at the Unconventional Resources Technology Conference (URTC) (2018), and documentation showing he participated in a "Shale Development

¹ *See Matter of O-A-A-*, ID# 1285616 (AAO July 10, 2018) and *Matter of O-A-A-*, ID# 1974191 (AAO Jan. 31, 2019).

Optimization Workshop” (2018) and a “Geosciences Technology Workshop” (2019). He also presents an invitation he received to take part in an American Association of Petroleum Geologists panel discussion (2019), his “manuscript submission” for the 2019 URTC, and various emails requesting his editorial services (2018). In addition, the Petitioner offers emails requesting that he provide abstracts for conferences (2017 and 2018), inviting him to contribute unpublished research papers to *American Journal of Computation, Communication and Control* (2018), and thanking him for reviewing a manuscript for *Journal of Unconventional Oil and Gas Resources* (2016). The aforementioned evidence post-dates the filing of the petition and therefore does not demonstrate the Petitioner’s eligibility under the second prong of the *Dhanasar* framework at the time of filing. See 8 C.F.R. § 103.2(b)(1). Regardless, this evidence does not show that his published and presented work and peer review activities render him well positioned to advance his proposed endeavor.

With respect to the conference paper he presented at the 2018 URTC, the Petitioner notes that this paper “has been downloaded 211 times.” We previously explained in our earlier decisions that while the Petitioner has offered documentation indicating that his papers have been downloaded hundreds of times, he has not presented evidence illustrating the significance of this number, or establishing that the research has been implemented, utilized, or applauded by those viewing it. These downloads of the Petitioner’s articles corroborate that he has disseminated his findings, but they are not sufficient to demonstrate that his work has been influential among petroleum engineering researchers, has served as an impetus for progress or generated positive discourse in the field, or otherwise represents a record of success or progress rendering him well positioned to advance his proposed research.

Furthermore, the Petitioner provides a self-compiled citation index for five of his research papers, but he did not offer supporting evidence to corroborate his assertions.² This self-compiled information lacks probative value and does not demonstrate citations to his work by others in the field. Moreover, the record does not include comparative statistics indicating how often other petroleum engineering researchers are cited, nor has the Petitioner otherwise demonstrated that his published and presented research constitutes a record of success or a level of interest in his work from relevant parties sufficient to meet *Dhanasar*’s second prong.

The Petitioner also submits an article prepared by the U.S. Department of Energy’s Office of Fossil Energy, entitled “Producing Usable Water from CO₂ Storage Sites” and a White House Fact Sheet, entitled “President Donald J. Trump Is Accelerating America’s Leadership in Artificial Intelligence.” While this documentation helps show the substantial merit and national importance of the Petitioner’s proposed work under the first prong of the *Dhanasar* framework, it does not relate to the whether he is well positioned to advance his proposed research. As the Petitioner has not established that he is well positioned to advance his proposed endeavor, he has not met the second prong of the *Dhanasar* precedent decision.

III. CONCLUSION

The Petitioner’s motion does not include new information or evidence that overcomes the grounds underlying our previous decision. As the Petitioner has not met the second prong set forth in the

² For example, he did not present copies of the articles that cited to his work or other supporting evidence in the form of citation results from databases or search engines (such as Scopus, Web of Science, or Google Scholar).

Dhanasar analytical framework, we find that he has not established he is eligible for or otherwise merits a national interest waiver as a matter of discretion. In visa petition proceedings, it is the petitioner's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). Here, that burden has not been met.

ORDER: The motion to reopen is dismissed.

Cite as *Matter of O-A-A-*, ID# 5302059 (AAO Nov. 14, 2019)